

REMARKS

Claims 1-4, 7-19, and 34-42 are pending in this application. Of these claims, claims 1, 7, 8, 10, 11, 12, 18, and 34-37 have been amended, and claims 5 and 6 have been cancelled. Claims 38-47 have been added to more fully claim applicants' invention. For the reasons outlined below, all claims are believed to be allowable and issuance of the present application is appropriate.

Claim Objections

Applicants thank the Examiner for identifying the claim numbering objection and for renumbering claims 24-36 as 25-37. Of those renumbered claims, only claims 34-37 are currently pending, and Applicants have amended dependent claims 35-37 to properly depend from independent claim 34.

Claim Rejections Under 35 U.S.C. §112, ¶ 2

Claims 1-19 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, Examiner identified the following limitations as having insufficient antecedent basis: "the base primary web," "the handling manifold," and "the base material web." Claim 1 has been amended to address these issues, and Applicants respectfully request that these rejections be withdrawn.

Claims 7, 8, 10, and 11 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, Examiner indicated that there was insufficient antecedent basis for the term "the handling device." Claims 7, 8, 10, and 11 have been amended so that "the handling device" now reads "the handling drive," which has antecedent basis in claim 1. Accordingly, Applicants respectfully request that these rejections be withdrawn.

Claims 34-37 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner indicated that the limitation, "the blade," has insufficient antecedent basis. Claim 34 has been amended so that "the blade" now reads "the shear blade,"

which has antecedent basis in claim 34. Accordingly, Applicants respectfully request that these rejections be withdrawn.

Claim 37 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Examiner indicated that the limitation, “the cutting blade,” has insufficient antecedent basis. Claim 37 has been amended so that “the cutting blade” now reads “the shear blade,” which has antecedent basis in claim 34. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Added Claims 38-47

Claims 38-42 have been added to more fully claim the present invention, which provides for carefully controlling the shear blade. Specifically, the cutting and laminating device of the present invention does not allow the shear blade to “travel any significant distance below support blade (47), in order to avoid interference with applicator head (50).” *See* Specification, p. 9, ln. 23-p. 10, ln. 2. The actual distance that the shear blade extends below the support blade “is carefully controlled and kept at a minimum to avoid interference with applicator head (50).” *Id.*

As an initial note, each of these new claims 38-42 are believed to be allowable over the cited references. More specifically, none of the cited references teach a shear blade extending only a predetermined distance below the support blade as claimed in claims 19, 40, and 42, nor do the references teach controlling the rocking motion of the shear blade such that the blade does not extend into the path of motion of the handling drive as claimed in claims 39 and 41. Moreover, none of the cited references teach using cam tracks, cam followers, and cam pins to control the shear blade in this manner as claimed in claims 39-42.

Claims 43-47 have also been added to more fully claim the present invention, which provides for controlling the shear blade and the secondary feeding mechanism such that reinforcing strips of selectable predetermined length are sheared. As described in more detail below, none of the cited references, either alone or in combination, teach this limitation.

Claim Rejections Under 35 U.S.C. §102(b)

Present Invention

As described in more detail herein, the present invention is directed towards a laminating device for reinforcing a specific region of a supply web. As recited in claims 1-19 and 34-37, this invention provides for, *inter alia*, a secondary web that is advanced a selectable predetermined length and then sheared, prior to being attached to the primary web. The selectable nature of the sheared strip provides a very controlled source of material that is easily used for reinforcement of precise regions of the primary web. The present invention also provides for a handling drive positioned adjacent to the shearing apparatus that receives the sheared strip and moves it to a precise sealing or attachment location adjacent to the primary web. These features of the present claimed invention provide for the precise placement of reinforcing strips of selectable length on the primary web, resulting in a web that is selectively reinforced in precise regions.

Eicker Reference

Claims 1-4, 7, and 19 were rejected under 35 U.S.C. §102(b) as being anticipated by Eicker (U.S. Pat. No. 5,041,073). Applicants respectfully oppose these rejections. Applicants assert that not every element of every claim is taught by the reference. MPEP § 2131 provides:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim...

An analysis of *Eicker* in light of the claimed invention shows that at least two elements of the claims in question are not shown in *Eicker*: (1) a Handling Drive, and (2) a selectable secondary web length. In light of these deficiencies (as further discussed below), this rejection is inappropriate.

Handling Drive For Receiving and Moving Reinforcing Strip to a Sealing Location

The present invention claims, *inter alia*, “a handling drive positioned adjacent the shearing apparatus for receiving the reinforcing strip from the shearing apparatus and moving the reinforcing strip to a sealing location adjacent the primary supply web.” This limitation of claims 1-4, 7, and 19 is not described by *Eicker*, and, therefore, *Eicker* fails to teach each and every element of the present invention as claimed.

Contrary to Examiner’s assertion that the suction wheel 18 of *Eicker* satisfies this limitation, the suction wheel 18 does not move a reinforcing strip to a sealing location, nor does suction wheel 18 move a reinforcing strip to a location that is adjacent to the primary supply web. Moreover, *Eicker* does not teach an element (e.g. a handling drive) that both receives a reinforcing strip from the shearing apparatus and moves it to a sealing location.

Rather, *Eicker* teaches two elements, suction wheel 18 and suction roll 25, that perform in conjunction to receive and transport a tear-off strip (col. 3, ln. 46-63). Specifically, *Eicker* describes a strip 6 that, after being cut from material 5, is first picked up by suction wheel 18 from knife arrangement 1 (col. 3, ln. 36-40) and is then picked up by suction roll 25 from suction wheel 18 at transfer point X (col. 3, ln. 46-50; Fig. 1). After the strip 6 is picked up by suction roll 25, suction roll 25 transports the strip 6 along its surface until the strip 6 comes into contact with the packaging material 28 (col. 3, ln. 57-60; Fig. 1). After the packaging material 28 is wrapped around strip 6, suction roll 25 moves both the strip 6 and packaging material 28 to a heating shoe 30, which welds the strip 6 to the packaging material 28 (col. 3, ln. 60-63; Fig. 1).

However, in contrast to the present invention as described and claimed, neither suction wheel 18 nor suction roll 25 teach the handling drive of claims 1-4, 7, and 19. Suction wheel 18 receives strip 6 from knife arrangement 1. And while suction wheel 18 does indeed move strip 6 to transfer point X, the transfer point X location is not “adjacent to the primary supply web”, nor is transfer point X the “sealing location.” Rather, *Eicker* requires that the suction roll 25 transfers the strip 6 to the packaging material 28, and, then, the suction roll 25 transfers the strip to the heating shoe. These two locations, (1) the packaging material 28, and (2) the heating shoe, are distinct locations as taught by *Eicker*.

Nowhere does *Eicker* teach a single element that is positioned adjacent a shearing apparatus and receives a reinforcing strip from the shearing apparatus and moves the strip to a sealing location that is adjacent to the primary supply web. This allows the present invention to

operate with relatively small pieces of reinforcing material, thus becoming more efficient. Accordingly, *Eicker* fails to teach each and every limitation of claims 1-4, 7, and 19.

Selectable Secondary Web Length

The present invention further claims, *inter alia*, a secondary web, with selectable length, that is sheared into a reinforcing strip. Specifically, claims 1-4, 7, and 19 claim “a secondary feeding mechanism for advancing a selectable predetermined length of secondary web [and] ... a shear blade ... to cause a reinforcing strip to be sheared from the secondary web [and] ... sealing the reinforcing strip to the primary supply web.” This allows the laminating device of claims 1-4, 7, and 19 to reinforce selected portions of the primary supply web with reinforcing strips, sheared from selectable lengths of the secondary web. This limitation of claims 1-4, 7, and 19 is not described by *Eicker*, and, therefore, *Eicker* fails to teach each and every element of the present invention as claimed.

In contrast to the present invention, the tear-off strips of *Eicker* are cut from a strip of material that has a width equal to the length of the tear-off strip, resulting in a tear-off strip of equal length and width (abstract; col. 1, ln. 8-10). Further, the width of the strip of material in *Eicker* is greater than that of guide shoe 11, so that one end of the strip 6 projects beyond the upper end of the guide shoe, thereby allowing the suction wheel to pick up the strip (col. 3, ln. 16-18; Figs. 1, 2). This requirement fixes the width, and therefore the length, of the tear-off strips of *Eicker*.

The laminating device of the present invention will shear reinforcing strips of selected length and laminate them to the primary supply web. The reinforcing strip has a selectable predetermined length, which is not restricted to be equal to the width of the secondary web. For example, as shown in Figure 4 of the present invention, a reinforcing strip 64 may have a length substantially shorter than its width, if so selected. In contrast, the length of the tear-off strips of *Eicker* will always be equal to their length. Accordingly, not only does *Eicker* fail to teach a selectable reinforcing strip length, the tear-off strips will always have a length equal to their width.

Nowhere does *Eicker* teach a secondary web, with selectable length, that is sheared into a reinforcing strip. Accordingly, *Eicker* fails to teach each and every limitation of claims 1-4, 7, and 19.

Shear Blade Extends Predetermined Distance

Eicker also fails to teach each and every limitation of claim 19 for the additional reason that the reference does not describe a shear blade that extends only a predetermined distance below a support blade at any time. As noted above, the cutting and laminating device of the present invention does not allow the shear blade to travel any significant distance below the support blade to avoid interference with the handling drive. In contrast, *Eicker* merely describes a “downward stroke” of the knife, during which the “straight cutting edge 10 moves progressively along the cutting edge 3 of stationary knife 1” (col. 2, ln. 61-63). Nowhere does *Eicker* teach controlling the shear blade to ensure it extends only a predetermined distance below the support blade as claimed in claim 19.

Foote, Jr. Reference

Claims 1-4, 7, and 19 were rejected under 35 U.S.C. §102(b) as being anticipated by Foote, Jr. et al. (U.S. Pat. No. 4,083,737). As the *Foote, Jr.* reference does not disclose all elements of the pending claims, Applicants respectfully oppose these rejections.

Selectable Secondary Web Length

As previously noted, the present invention claims a secondary web, with selectable length, that is sheared into a reinforcing strip. This allows the laminating device of claims 1-4, 7, and 19 to reinforce selected portions of primary supply web with reinforcing strips, sheared from selectable lengths of the secondary web. This limitation of claims 1-4, 7, and 19 is not described by *Foote, Jr.*, and, therefore, *Foote, Jr.* fails to teach each and every element of the present invention as claimed.

The *Foote, Jr.* reference teaches that the cut strip is formed from a web such that the length of the cut strip is “substantially equal to the width of the strip to be formed therefrom” (col. 1, ln. 67-col. 2, ln. 2). Specifically, reciprocating web feed shuttle 16 “feeds the end of the web to the cutting station 10 incrementally a distance substantially equal to the width of the strip to be formed, with the length of the strip being determined by the width of the web 20” (col. 3, ln. 17-23) (emphasis added). Accordingly, not only must the cut strip of *Foote, Jr.* have a length equal to its width, but the length and width are “determined by the width of the web...,” and are therefore not selectable. The length of the tear-off strips of *Foote, Jr.* will always be equal to

their length. Accordingly, not only does *Foote, Jr.* fail to teach a selectable reinforcing strip length, the tear-off strips will always have a length equal to their width.

Nowhere does *Foote, Jr.* teach a secondary web, with selectable length, that is sheared into a reinforcing strip. Accordingly, *Foote, Jr.* fails to teach each and every limitation of claims 1-4, 7, and 19.

Claim Rejections Under 35 U.S.C. §103

Claims 1-4, 8-18, 34-37 were rejected under 35 U.S.C. §103(a) as being unpatentable over various references as noted below. Applicants oppose these rejections in light of the above-identified claim amendments and the arguments below.

Section 2143 of the MPEP provides in part, “To establish a *prima facie* case of obviousness ... the prior art reference ... must teach or suggest all the Claim limitations.” (emphasis added). Moreover, MPEP § 2143.01 further provides that there must be a basis in the art for combining or modifying references, and the “mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.” Establishing a *prima facie* case of obviousness requires more than “common knowledge” or “common sense.” Rather, the Federal Circuit insists on a specific rationale for combining references and that a finding of obviousness be based on objective evidence of record. *In Re Lee*, 61 U.S.P.Q.2d 1430.

Summary of § 103 References

The specific § 103 rejections are each addressed below. However, to avoid redundancy, the some of the various references that form the basis of those rejections and the combination thereof are first discussed.

Fukumoto and Boreali

As discussed below, claim 12 of the present invention requires, “a cutting edge of the shear blade is curved and the cutting motion is a rocking motion.” Neither *Fukumoto* nor *Boreali* teach or suggest a curved cutting edge. *Fukumoto* describes a movable blade 54 that is pivoted via a rotary cylinder and rocks downwardly (col. 1, ln. 57-65). However, nowhere does *Fukumoto* teach or suggest that the movable blade 54 has a curved cutting edge, and Figure 11 explicitly illustrates movable blade 54 with a straight cutting edge. Similarly, *Boreali* describes

a cutter 18 “such as a guillotine cutter, scissors cutter, rotating cutter cylinder...” (col. 3, ln. 62-67). Yet *Boreali* also fails to teach or suggest that the cutter 18 has a curved cutting edge, and, as noted above, merely disclosing a pivoting scissors-type blade does not teach a curved cutting edge as claimed in the present invention. Accordingly, *Fukumoto* and *Boreali*, each alone or in combination, fail to teach or suggest the additional limitations of claim 12.

Further, claim 36 requires “the cutting motion is a rocking motion.” Neither *Fukumoto* nor *Boreali* teach or suggest a rocking motion. The movable blade 54 of *Fukumoto* is pivoted via a rotary cylinder and rocks downwardly about a single pivot point (col. 1, ln. 57-65; *see, also*, Figure 11 and movable blade 54). However, nowhere does *Fukumoto* teach or suggest the rocking motion claimed in the present invention. Rather, where *Fukumoto* purports to teach a “rocking motion,” col. 6, ln. 3-4, the reference actually teaches only a pivoting motion, which is distinct from a rocking motion. Similarly, the cutter 18 of *Boreali* is described as “a guillotine cutter, scissors cutter, rotating cutter cylinder...” (col. 3, ln. 62-67). Yet *Boreali* also fails to teach or suggest that the cutter 18 cuts in a rocking motion as claimed in the present invention. Accordingly, *Fukumoto* and *Boreali*, each alone or in combination, fail to teach or suggest the additional limitations of claim 36.

Dreier and Taylor, Jr.

Claims 13-18 require that the cam followers cause the cutting motion of the shear blade to be a rocking motion. Claim 37 requires that “a plurality of cam tracks in the shear blade and a plurality of cam pins coupled to the blade actuator” cause the cutting motion of the shear blade to be a rocking motion. Neither *Dreier* nor *Taylor, Jr.* teach or suggest these limitations.

In contrast to claims 13-18 and 37, *Taylor, Jr.* teaches using a follower to move a knife blade between closed and open positions (col. 3, ln. 5-16; col. 2, ln. 14-18; Figs. 1, 3). The followers of *Taylor, Jr.* are not used to cause a cutting motion as claimed in the present invention, but rather they merely open and close the knife. The *Dreier* reference also fails to teach or suggest cam followers or tracks and pins that cause the cutting motion of a shear blade to be a rocking motion. Rather, *Dreier* teaches movable cutter blade 17 that pivots about a single axis, pivot pin 11, thereby causing a rotating motion. Accordingly, *Dreier* and *Taylor, Jr.*, each alone or in combination, fail to teach or suggest the additional limitations of claims 13-18 and 37.

Claim 12 – Eicker, Fukumoto and Boreali

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Eicker* (U.S. Pat. No. 5,041,073), and further in view of *Fukumoto* (U.S. Pat. No. 6,189,469) and *Boreali et al.* (U.S. Pat. No. 6,210,515). Because the combination of *Eicker*, *Fukumoto*, and *Boreali* fails to teach or suggest all the claim limitations of the present invention, Applicants oppose this rejection.

As shown above, *Eicker* fails to teach or suggest all of the claim limitations of independent claim 1. Accordingly, since claim 12 incorporates all of the limitations of claim 1, *Eicker* also fails to teach or suggest all of the claim limitations of dependent claim 12 that are incorporated from claim 1. Thus, the combination of *Eicker*, *Fukumoto*, and *Boreali* fails to teach or suggest all of the limitations of claim 12.

Further, claim 12 requires, “a cutting edge of the shear blade is curved and the cutting motion is a rocking motion.” As discussed above, neither *Fukumoto* nor *Boreali* teach or suggest a curved cutting edge. For this additional reason, the combination of *Eicker*, *Fukumoto*, and *Boreali* fails to teach or suggest all of the limitations of claim 12.

Claims 13-18 – Eicker, Fukumoto, Boreali, Dreier, and Taylor, Jr.

Claims 13-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Eicker* (U.S. Pat. No. 5,041,073), *Fukumoto* (U.S. Pat. No. 6,189,469), and *Boreali et al.* (U.S. Pat. No. 6,210,515), and further in view of *Dreier et al.* (U.S. Pat. No. 4,463,693) and *Taylor, Jr.* (U.S. Pat. No. 5,331,741). Because the combination of *Eicker*, *Fukumoto*, *Boreali*, *Dreier*, and *Taylor, Jr.* fails to teach or suggest all the claim limitations of the present invention, Applicants oppose this rejection.

Once again, *Eicker* fails to teach or suggest all of the claim limitations of claims 1. Accordingly, since claims 13-18 incorporate all of the limitations of claim 1, *Eicker* also fails to teach or suggest all of the claim limitations of dependent claims 13-18 that are incorporated from claim 1. Thus, the combination of *Eicker*, *Fukumoto*, *Boreali*, *Dreier*, and *Taylor, Jr.* fails to teach or suggest all of the limitations of claims 13-18.

As discussed above *Fukumoto* and *Boreali* fail to teach or suggest the additional limitations of claim 12. Accordingly, since claims 13-15 incorporate all of the limitations of claim 12, *Fukumoto* and *Boreali* also fail to teach or suggest all of the claim limitations of dependent claims 13-15 that are incorporated from claim 12. Thus, for this additional reason, the

combination of *Eicker*, *Fukumoto*, *Boreali*, *Dreier*, and *Taylor, Jr.* fails to teach all of the claim limitations of dependent claims 13-15.

Moreover, claims 13-18 require that the cam followers cause the cutting motion of the shear blade to be a rocking motion. As discussed above, neither *Dreier* nor *Taylor, Jr.* teach or suggest this limitation. For this additional reason, the combination of *Eicker*, *Fukumoto*, *Boreali*, *Dreier*, and *Taylor, Jr.* fails to teach or suggest all of the limitations of claims 13-18.

Claim 12 – *Foote Jr.*, *Fukumoto* and *Boreali*

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Foote Jr. et al.* (U.S. Pat. No. 4,083,737), and further in view of *Fukumoto* (U.S. Pat. No. 6,189,469) and *Boreali et al.* (U.S. Pat. No. 6,210,515). Because the combination of *Foote Jr.*, *Fukumoto*, and *Boreali* fails to teach or suggest all the claim limitations of the present invention, Applicants oppose this rejection.

As shown above, *Foote Jr.* fails to teach or suggest all of the claim limitations of independent claim 1. Accordingly, since claim 12 incorporates all of the limitations of claim 1, *Foote Jr.* also fails to teach or suggest all of the claim limitations of dependent claim 12 that are incorporated from claim 1. Thus, the combination of *Foote Jr.*, *Fukumoto*, and *Boreali* fails to teach or suggest all of the limitations of claim 12.

Further, claim 12 requires, “a cutting edge of the shear blade is curved and the cutting motion is a rocking motion.” As discussed above, neither *Fukumoto* nor *Boreali* teach or suggest a curved cutting edge. For this additional reason, the combination of *Foote Jr.*, *Fukumoto*, and *Boreali* fails to teach or suggest all of the limitations of claim 12.

Claims 13-18 – *Foote Jr.*, *Fukumoto*, *Boreali*, *Dreier*, and *Taylor, Jr.*

Claims 13-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Foote Jr.* (U.S. Pat. No. 4,083,737), *Fukumoto* (U.S. Pat. No. 6,189,469), and *Boreali et al.* (U.S. Pat. No. 6,210,515), and further in view of *Dreier et al.* (U.S. Pat. No. 4,463,693) and *Taylor, Jr.* (U.S. Pat. No. 5,331,741). Because the combination of *Foote Jr.*, *Fukumoto*, *Boreali*, *Dreier*, and *Taylor, Jr.* fails to teach or suggest all the claim limitations of the present invention, Applicants oppose this rejection.

As shown above, *Foote Jr.* fails to teach or suggest all of the claim limitations of claims 1. Accordingly, since claims 13-18 incorporate all of the limitations of claim 1, *Foote Jr.* also

fails to teach or suggest all of the claim limitations of dependent claims 13-18 that are incorporated from claim 1. Thus, the combination of *Foote Jr.*, *Fukumoto*, *Boreali*, *Dreier*, and *Taylor, Jr.* fails to teach or suggest all of the limitations of claims 13-18.

Similarly, as shown above *Fukumoto* and *Boreali* fail to teach or suggest the additional limitations of claim 12. Accordingly, since claims 13-15 incorporate all of the limitations of claim 12, *Fukumoto* and *Boreali* also fail to teach or suggest all of the claim limitations of dependent claims 13-15 that are incorporated from claim 12. Thus, for this additional reason, the combination of *Foote Jr.*, *Fukumoto*, *Boreali*, *Dreier*, and *Taylor, Jr.* fails to teach all of the claim limitations of dependent claims 13-15.

Moreover, claims 13-18 require that the cam followers cause the cutting motion of the shear blade to be a rocking motion. As discussed above, neither *Dreier* nor *Taylor, Jr.* teach or suggest this limitation. For this additional reason, the combination of *Foote Jr.*, *Fukumoto*, *Boreali*, *Dreier*, and *Taylor, Jr.* fails to teach or suggest all of the limitations of claims 13-18.

Claims 1-4 and 8-10 – *van der Klugt* and *Boreali*

Claims 1-4 and 8-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over *van der Klugt* (U.S. Pat. No. 5,584,954) in view of *Boreali et al.* (U.S. Pat. No. 6,210,515). Because the combination of *van der Klugt* and *Boreali* fails to teach or suggest all the claim limitations of the present invention, Applicants oppose this rejection.

As previously noted, claims 1-4 and 8-10 of the present invention require a secondary web, with selectable length: “a secondary feeding mechanism for advancing a selectable predetermined length of secondary web [and] ... a shear blade ... to cause a reinforcing strip to be sheared from the secondary web...” Neither the *van der Klugt* reference, the *Boreali* reference, nor the combination thereof, teaches this limitation.

The *van der Klugt* reference teaches cutting continuous strips 16 and 17 into discrete lengths or segments. Specifically, *van der Klugt* describes how the rotation of knife 44 is precisely timed to cut the strips at “the lines where the adjacent edges of the tables 27b and 27c adjoin” (col. 3, ln. 65-col. 4, ln. 3). Accordingly, the length of each cut segment 46 is fixed to be equal to the length of tables 27b and 27c, which are of square shape (col. 3, ln. 46-47). Further, combining a rotary cutter such as the rotating cylindrical knife 44 of *van der Klugt* to achieve the present invention would thrust the reinforcing strip ahead of the blade during the shearing process. This action would disrupt the controlled shearing of the secondary web resulting in

unmanageable control and placement of the reinforcing strip thereby destroying the purpose and function of the invention.

In addition, the *van der Klugt* reference fails to teach or suggest a laminating device. Rather, the *van der Klugt* reference describes a preexisting adhesive layer on strips 16 and 17 (col. 3, ln. 4-6), which is firmly pressed against the pad 10 by rollers 11 and 12 (col. 4, ln. 22-28), but the reference does not teach heating the strips. This description fails to disclose a laminating device as required by claims 1-4 and 8-10 of the present invention.

Furthermore, as Examiner notes, *van der Klugt* is silent as to the device having a shear blade that is both positioned perpendicular to the secondary material web and moveable through a cutting motion. Moreover, *Boreali* merely describes a cutter 18 “such as a guillotine cutter, scissors cutter, rotating cutter cylinder...” (col. 3, ln. 62-67). Neither the *van der Klugt* reference, the *Boreali* reference, nor the combination thereof, teaches or suggests a shear blade that is positioned perpendicular to the secondary material web as required by claims 1-4 and 8-10 of the present invention.

Claim 12 – *van der Klugt*, *Boreali*, and *Fukumoto*

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over *van der Klugt* (U.S. Pat. No. 5,584,954) in view of *Boreali et al.* (U.S. Pat. No. 6,210,515) and *Fukumoto* (U.S. Pat. No. 6,189,469). Because the combination of *van der Klugt*, *Boreali*, and *Fukumoto* fails to teach or suggest all the claim limitations of the present invention, Applicants oppose this rejection.

As shown above, *van der Klugt* fails to teach or suggest all of the claim limitations of independent claim 1. Accordingly, since claim 12 incorporates all of the limitations of claim 1, *van der Klugt* also fails to teach or suggest all of the claim limitations of dependent claim 12 that are incorporated from claim 1. Thus, the combination of *van der Klugt*, *Fukumoto*, and *Boreali* fails to teach or suggest all of the limitations of claim 12.

Further, claim 12 requires, “a cutting edge of the shear blade is curved and the cutting motion is a rocking motion.” As discussed above, neither *Fukumoto* nor *Boreali* teach or suggest a curved cutting edge. For this additional reason, the combination of *van der Klugt*, *Fukumoto*, and *Boreali* fails to teach or suggest all of the limitations of claim 12.

Claims 13-18 – *van der Klugt, Fukumoto, Boreali, Dreier, and Taylor, Jr.*

Claims 13-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over *van der Klugt* (U.S. Pat. No. 5,584,954), *Fukumoto* (U.S. Pat. No. 6,189,469), and *Boreali et al.* (U.S. Pat. No. 6,210,515), and further in view of *Dreier et al.* (U.S. Pat. No. 4,463,693) and *Taylor, Jr.* (U.S. Pat. No. 5,331,741). Because the combination of *van der Klugt, Fukumoto, Boreali, Dreier, and Taylor, Jr.* fails to teach or suggest all the claim limitations of the present invention, Applicants oppose this rejection.

As shown above, *van der Klugt* fails to teach or suggest all of the claim limitations of claim 1. Accordingly, since claims 13-18 incorporate all of the limitations of claim 1, *van der Klugt* also fails to teach or suggest all of the claim limitations of dependent claims 13-18 that are incorporated from claim 1. Thus, the combination of *van der Klugt, Fukumoto, Boreali, Dreier, and Taylor, Jr.* fails to teach or suggest all of the limitations of claims 13-18.

Similarly, as shown above *Fukumoto* and *Boreali* fail to teach or suggest the additional limitations of claim 12. Accordingly, since claims 13-15 incorporate all of the limitations of claim 12, *Fukumoto* and *Boreali* also fail to teach or suggest all of the claim limitations of dependent claims 13-15 that are incorporated from claim 12. Thus, for this additional reason, the combination of *van der Klugt, Fukumoto, Boreali, Dreier, and Taylor, Jr.* fails to teach all of the claim limitations of dependent claims 13-15.

Moreover, claims 13-18 require that the cam followers cause the cutting motion of the shear blade to be a rocking motion. As discussed above, neither *Dreier* nor *Taylor, Jr.* teach or suggest this limitation. For this additional reason, the combination of *van der Klugt, Fukumoto, Boreali, Dreier, and Taylor, Jr.* fails to teach or suggest all of the limitations of claims 13-18.

Claims 34 and 35 – *van der Klugt* and *Boreali*

Claims 34 and 35 were rejected under 35 U.S.C. §103(a) as being unpatentable over *van der Klugt* (U.S. Pat. No. 5,584,954) and *Boreali et al.* (U.S. Pat. No. 6,210,515). Because the combination of *van der Klugt* and *Boreali* fails to teach or suggest all the claim limitations of the present invention and because combining these references would destroy the purpose and function of the invention, Applicants oppose this rejection.

Claims 34 and 35 of the present invention require moving the secondary web in a selectable predetermined manner. Neither the *van der Klugt* reference, the *Boreali* reference, nor the combination thereof, teaches this limitation.

The *van der Klugt* reference teaches feed mechanisms 20 and 21 that feed continuous strips 16 and 17 onto table 27a in discrete lengths or segments. Specifically, *van der Klugt* describes how “application roller 43 lays the strips down on the table 27a...” and then the rotation of knife 44 is precisely timed to cut the strips at “the lines where the adjacent edges of the tables 27b and 27c adjoin” (col. 3, ln. 57-col. 4, ln. 3). Accordingly, the length of each cut segment 46 is fixed to be equal to the length of tables 27b and 27c. Further, combining a rotary cutter such as the rotating cylindrical knife 44 of *van der Klugt* to achieve the present invention would thrust the reinforcing strip ahead of the blade during the shearing process. This action would disrupt the controlled shearing of the secondary web resulting in unmanageable control and placement of the reinforcing strip thereby destroying the purpose and function of the invention.

Furthermore, as Examiner notes, *van der Klugt* is silent as to the device including a cross web shear device having a support blade such that the cross web shear device is positioned to receive a web substrate at a cutting position between the shear blade and the support blade. Combining the cutter of *Boreali* with the apparatus of *van der Klugt*, however, would destroy the purpose and function of *van der Klugt* and would not achieve the present invention as claimed.

If a prior art reference is cited that requires some modification in order to meet the claimed invention, or requires some modification to be properly combined with another reference, and such a modification destroys the purpose or function of the invention disclosed in the reference, one of ordinary skill in the art would not have found reason to make the claimed modification. Accordingly, the Federal Circuit has consistently held that when a § 103 rejection is based upon a modification of a reference that destroys the intent, purpose, or function of the invention disclosed in the reference, such a proposed modification is not proper and the *prima facie* case of obviousness cannot be properly made. *See, e.g., In re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed.Cir.1984).

In the present case, the *van der Klugt* reference teaches a knife 44 that engages and severs strips 16 and 17 at the adjacent edges of moving tables 27b and 27c after the strips have been laid on table 27a (col. 3, ln. 62-col. 4, ln. 3; Fig. 1). Importantly, the moving tables 27a-27h have flat surfaces for receiving the cut strips, such that the combination of three tables “form an essentially flat, continuous bed” (col. 3, ln. 46-56) (emphasis added). Moreover, the flatness of tables 27a-27h are necessary for the pad 10 to pass between rollers 11, 12 and table 27f.

Because of the positioning of tables 27b, 27c and rotating cylindrical knife 44, the only location available in *van der Klugt* for including a support blade is on tables 27a-27h (See Fig. 1). However, attaching any sort of support blade, as claimed in the present invention, to the flat surface of the tables 27a-27h of *van der Klugt* would destroy the intent, purpose, or function of the *van der Klugt* reference, and render it inoperable for its intended purpose. Not only would the tables 27a-27h cease to “form an essentially flat, continuous bed,” but a support blade attached to tables 27a-27h would alter the space between rollers 11, 12 and table 27f such that the space would be too small to fit pad 10 therebetween or too large to attach strips 45 to pad 10. *Boreali* merely describes a cutter 18 “such as a guillotine cutter, scissors cutter, rotating cutter cylinder...” (col. 3, ln. 62-67), but fails to resolve the inoperability that would result from attaching a support blade to the flat surface of the tables 27a-27h of *van der Klugt*.

Claim 36 – *van der Klugt*, *Boreali*, and *Fukumoto*

Claim 36 was rejected under 35 U.S.C. §103(a) as being unpatentable over *van der Klugt* (U.S. Pat. No. 5,584,954) and *Boreali et al.* (U.S. Pat. No. 6,210,515) in view of *Fukumoto* (U.S. Pat. No. 6,189,469). Because the combination of *van der Klugt*, *Boreali*, and *Fukumoto* fails to teach or suggest all the claim limitations of the present invention, Applicants oppose this rejection.

As shown above, *van der Klugt* fails to teach or suggest all of the claim limitations of independent claim 34. Accordingly, since claim 36 incorporates all of the limitations of claim 34, *van der Klugt* also fails to teach or suggest all of the claim limitations of dependent claim 36 that are incorporated from claim 34. Thus, the combination of *van der Klugt*, *Fukumoto*, and *Boreali* fails to teach or suggest all of the limitations of claim 36.

Further, claim 36 requires, “the cutting motion is a rocking motion.” As discussed above, neither *Fukumoto* nor *Boreali* teach or suggest a rocking motion. For this additional reason, the combination of *van der Klugt*, *Fukumoto*, and *Boreali* fails to teach or suggest all of the limitations of claim 36.

Claim 37 – *van der Klugt*, *Boreali*, *Fukumoto*, *Dreier*, and *Taylor, Jr.*

Claim 37 was rejected under 35 U.S.C. §103(a) as being unpatentable over *van der Klugt* (U.S. Pat. No. 5,584,954), *Boreali et al.* (U.S. Pat. No. 6,210,515), and *Fukumoto* (U.S. Pat. No. 6,189,469), and further in view of *Dreier et al.* (U.S. Pat. No. 4,463,693) and *Taylor, Jr.* (U.S.

Pat. No. 5,331,741). Because the combination of *van der Klugt*, *Boreali*, *Fukumoto*, *Dreier*, and *Taylor, Jr.* fails to teach or suggest all the claim limitations of the present invention, Applicants oppose this rejection.

As shown above, *van der Klugt* and *Boreali* fail to teach or suggest all of the claim limitations of claim 34. Accordingly, since claim 37 incorporates all of the limitations of claim 34, *van der Klugt* and *Boreali* also fail to teach or suggest all of the claim limitations of dependent claim 37 that are incorporated from claim 34. Thus, the combination of *van der Klugt*, *Boreali*, *Fukumoto*, *Dreier*, and *Taylor, Jr.* fails to teach or suggest all of the limitations of claim 37.

Similarly, as shown above *van der Klugt*, *Boreali*, and *Fukumoto* fail to teach or suggest the additional limitations of claim 36. Accordingly, since claim 37 incorporates all of the limitations of claim 36, *van der Klugt*, *Boreali*, and *Fukumoto* also fail to teach or suggest all of the claim limitations of dependent claim 37 that are incorporated from claim 36. Thus, for this additional reason, the combination of *van der Klugt*, *Fukumoto*, *Boreali*, *Dreier*, and *Taylor, Jr.* fails to teach all of the claim limitations of dependent claim 37.

Moreover, claim 37 requires that “a plurality of cam tracks in the shear blade and a plurality of cam pins coupled to the blade actuator” cause the cutting motion of the shear blade to be a rocking motion. As discussed above, neither *Dreier* nor *Taylor, Jr.* teach or suggest this limitation. For this additional reason, the combination of *van der Klugt*, *Fukumoto*, *Boreali*, *Dreier*, and *Taylor, Jr.* fails to teach or suggest all of the limitations of claims 37.

Claims 1-4, 8, and 9 – *Beaudoin* and *Boreali*

Claims 1-4, 8, and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Beaudoin et al.* (U.S. Pat. No. 4,925,520) and *Boreali et al.* (U.S. Pat. No. 6,210,515). Because the combination of *Beaudoin* and *Boreali* fails to teach or suggest all the claim limitations of the present invention, Applicants oppose this rejection.

As previously noted, the present invention claims “a handling drive positioned adjacent the shearing apparatus for receiving the reinforcing strip from the shearing apparatus and moving the reinforcing strip to a sealing location adjacent the primary supply web.” The combination of *Beaudoin* and *Boreali* fails to teach or suggest these limitations as claimed in claims 1-4, 8, and 9.

Contrary to Examiner's assertion that the segment transfer device 21 of *Beaudoin* teaches this limitation, the transfer device 21 does not receive the reinforcing strip from the shearing apparatus as claimed in the present invention.

Rather, *Beaudoin* teaches two elements, vacuum drum 20 and transfer device 21, that perform in conjunction to receive and transport a tear-off strip (col. 4, ln. 23-30). Specifically, *Beaudoin* describes: "These knife edges rotate into contact with the periphery of vacuum drum 20...The segments are carried rotationally on vacuum drum 20 until they reach a lowermost position where they are picked off of the vacuum drum by segment transfer means 21 which stretches the segments and transfers them to sheet 13 ..." *Id.* In other words, transfer device 21 does not receive the reinforcing strip from the shearing apparatus, as claimed in the present invention, but rather the transfer device receives a segment from vacuum drum 20.

Further, combining a rotary cutter such as the knife roll 24 of *Beaudoin* to achieve the present invention would thrust the reinforcing strip ahead of the blade during the shearing process. This action would disrupt the controlled shearing of the secondary web resulting in unmanageable control and placement of the reinforcing strip thereby destroying the purpose and function of the invention.

The present invention also claims "a laminating device located proximate to the handling drive." Neither *Beaudoin* nor *Boreali* teach or suggest a laminating device as claimed in claims 1-4, 8, and 9. Contrary to Examiner's assertion that the segment transfer roll 22 of *Beaudoin* teaches this limitation, the transfer roll 22 is not a laminating device. Rather, *Beaudoin* merely teaches applying glue or adhesive on sheet 13, which is then carried around transfer roll 22 (col. 4, ln. 43-61), but the reference does not teach heating the sheets. This description fails to disclose a laminating device as required by claims 1-4, 8, and 9 of the present invention.

Claim 12 – *Beaudoin*, *Boreali*, and *Fukumoto*

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Beaudoin et al.* (U.S. Pat. No. 4,925,520) and *Boreali et al.* (U.S. Pat. No. 6,210,515) in view of *Fukumoto* (U.S. Pat. No. 6,189,469). Because the combination of *Beaudoin*, *Boreali*, and *Fukumoto* fails to teach or suggest all the claim limitations of the present invention, Applicants oppose this rejection.

As shown above, the combination of *Beaudoin* and *Boreali* fails to teach or suggest all of the claim limitations of independent claim 1. Accordingly, since claim 12 incorporates all of the

limitations of claim 1, *Beaudoin* and *Boreali* also fail to teach or suggest all of the claim limitations of dependent claim 12 that are incorporated from claim 1. Thus, the combination of *Beaudoin*, *Boreali*, and *Fukumoto* fails to teach or suggest all of the limitations of claim 12.

Further, claim 12 requires, “a cutting edge of the shear blade is curved and the cutting motion is a rocking motion.” As discussed above, neither *Fukumoto* nor *Boreali* teach or suggest a curved cutting edge. For this additional reason, the combination of *Beaudoin*, *Fukumoto*, and *Boreali* fails to teach or suggest all of the limitations of claim 12.

Claims 13-18 – *Beaudoin*, *Fukumoto*, *Boreali*, *Dreier*, and *Taylor, Jr.*

Claims 13-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Beaudoin et al.* (U.S. Pat. No. 4,925,520), *Fukumoto* (U.S. Pat. No. 6,189,469), and *Boreali et al.* (U.S. Pat. No. 6,210,515), and further in view of *Dreier et al.* (U.S. Pat. No. 4,463,693) and *Taylor, Jr.* (U.S. Pat. No. 5,331,741). Because the combination of *Beaudoin*, *Fukumoto*, *Boreali*, *Dreier*, and *Taylor, Jr.* fails to teach or suggest all the claim limitations of the present invention, Applicants oppose this rejection.

As shown above, the combination *Beaudoin* and *Boreali* fails to teach or suggest all of the claim limitations of claim 1. Accordingly, since claims 13-18 incorporate all of the limitations of claim 1, *Beaudoin* and *Boreali* also fail to teach or suggest all of the claim limitations of dependent claims 13-18 that are incorporated from claim 1. Thus, the combination of *Beaudoin*, *Fukumoto*, *Boreali*, *Dreier*, and *Taylor, Jr.* fails to teach or suggest all of the limitations of claims 13-18.

Similarly, as shown above *Fukumoto* and *Boreali* fail to teach or suggest the additional limitations of claim 12. Accordingly, since claims 13-15 incorporate all of the limitations of claim 12, *Fukumoto* and *Boreali* also fail to teach or suggest all of the claim limitations of dependent claims 13-15 that are incorporated from claim 12. Thus, for this additional reason, the combination of *Beaudoin*, *Fukumoto*, *Boreali*, *Dreier*, and *Taylor, Jr.* fails to teach all of the claim limitations of dependent claims 13-15.

Moreover, claims 13-18 require that the cam followers cause the cutting motion of the shear blade to be a rocking motion. As discussed above, neither *Dreier* nor *Taylor, Jr.* teach or suggest this limitation. For this additional reason, the combination of *Beaudoin*, *Fukumoto*, *Boreali*, *Dreier*, and *Taylor, Jr.* fails to teach or suggest all of the limitations of claims 13-18.

Claims 34 and 35 – *Beaudoin* and *Boreali*

Claims 34 and 35 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Beaudoin* (U.S. Pat. No. 4,925,520) and *Boreali et al.* (U.S. Pat. No. 6,210,515). Although Examiner does not initially state that this rejection was based in part on *Boreali*, the rejection notes that *Beaudoin* is silent on the laminating device, which, the Examiner asserts, is disclosed by *Boreali*. Accordingly, it is assumed that this § 103 rejection was based on both *Beaudoin* and *Boreali*. Because there is no suggestion or evidence of the desirability of combining these references, Applicants oppose this rejection.

As Examiner notes, *Beaudoin* is silent as to the device including a cross web shear device having a support blade such that the cross web shear device is positioned to receive a web substrate at a cutting position between the shear blade and the support blade. And as MPEP § 2143.01 provides, “The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.”

Combining the cutter of *Boreali* with the apparatus of *Beaudoin*, however, would likely destroy the purpose and function of *Beaudoin*, and there is no suggestion or evidence of the desirability of such a combination. Moreover, *Beaudoin* teaches away from combining the references. The *Beaudoin* reference explicitly teaches that the “knife edges rotate into contact with the periphery of vacuum drum 20 and use the drum as an anvil for cutting individual segments 14 from elastic ribbon 14A” (col. 4, ln. 20-23) (emphasis added). Because *Beaudoin* describes the knife edge contacts the vacuum drum and uses it for cutting segments, one skilled in the art would not attempt to combine the additional element of a support blade from *Boreali*, as claimed in the present invention, to the *Beaudoin* apparatus. Such an addition would be redundant and likely destroy the purpose and function of the invention.

Further, as noted above, combining a rotary cutter such as the knife roll 24 of *Beaudoin* to achieve the present invention would thrust the reinforcing strip ahead of the blade during the shearing process. This action would disrupt the controlled shearing of the secondary web resulting in unmanageable control and placement of the reinforcing strip thereby further destroying the purpose and function of the invention.

Claim 36 – *Beaudoin, Boreali, and Fukumoto*

Claim 36 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Beaudoin* (U.S. Pat. No. 4,925,520) and *Boreali et al.* (U.S. Pat. No. 6,210,515) in view of *Fukumoto* (U.S. Pat. No. 6,189,469). Because the combination of *Beaudoin, Boreali, and Fukumoto* fails to teach or suggest all the claim limitations of the present invention, Applicants oppose this rejection.

As shown above, the combination of *Beaudoin* and *Boreali* fails to teach or suggest all of the claim limitations of independent claim 34. Accordingly, since claim 36 incorporates all of the limitations of claim 34, *Beaudoin* and *Boreali* also fail to teach or suggest all of the claim limitations of dependent claim 36 that are incorporated from claim 34. Thus, the combination of *Beaudoin, Fukumoto, and Boreali* fails to teach or suggest all of the limitations of claim 36.

Further, claim 36 requires, “the cutting motion is a rocking motion.” As discussed above, neither *Fukumoto* nor *Boreali* teach or suggest a rocking motion. For this additional reason, the combination of *Beaudoin, Fukumoto, and Boreali* fails to teach or suggest all of the limitations of claim 36.

Claim 37 – *Beaudoin, Boreali, Fukumoto, Dreier, and Taylor, Jr.*

Claim 37 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Beaudoin* (U.S. Pat. No. 4,925,520), *Boreali et al.* (U.S. Pat. No. 6,210,515), and *Fukumoto* (U.S. Pat. No. 6,189,469), and further in view of *Dreier et al.* (U.S. Pat. No. 4,463,693) and *Taylor, Jr.* (U.S. Pat. No. 5,331,741). Because the combination of *Beaudoin, Boreali, Fukumoto, Dreier, and Taylor, Jr.* fails to teach or suggest all the claim limitations of the present invention, Applicants oppose this rejection.

As shown above, *Beaudoin* and *Boreali* fail to teach or suggest all of the claim limitations of claim 34. Accordingly, since claim 37 incorporates all of the limitations of claim 34, *Beaudoin* and *Boreali* also fail to teach or suggest all of the claim limitations of dependent claim 37 that are incorporated from claim 34. Thus, the combination of *Beaudoin, Boreali, Fukumoto, Dreier, and Taylor, Jr.* fails to teach or suggest all of the limitations of claim 37.

Similarly, as shown above *Beaudoin, Boreali, and Fukumoto* fail to teach or suggest the additional limitations of claim 36. Accordingly, since claim 37 incorporate all of the limitations of claim 36, *Beaudoin, Boreali, and Fukumoto* also fail to teach or suggest all of the claim limitations of dependent claim 37 that are incorporated from claim 36. Thus, for this additional

reason, the combination of *Beaudoin*, *Fukumoto*, *Boreali*, *Dreier*, and *Taylor, Jr.* fails to teach all of the claim limitations of dependent claim 37.

Moreover, claim 37 requires that “a plurality of cam tracks in the shear blade and a plurality of cam pins coupled to the blade actuator” cause the cutting motion of the shear blade to be a rocking motion. As discussed above, neither *Dreier* nor *Taylor, Jr.* teach or suggest this limitation. For this additional reason, the combination of *Beaudoin*, *Fukumoto*, *Boreali*, *Dreier*, and *Taylor, Jr.* fails to teach or suggest all of the limitations of claims 37.

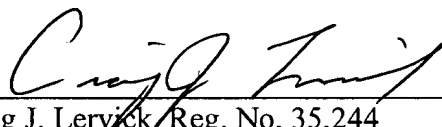
General Comments

As specified above, claims 1-19 and 34-42 are believed to be allowable and in a condition for allowance. Applicants respectfully request that the rejections as to claims 1-17 be withdrawn and these claims be allowed. Attached as Appendix A is the marked-up version of the changes made to the specification by the current amendment. Attached hereto as Appendix B, for the Examiners convenience, are all the claims as pending.

Should any additional fees be necessary, the Commissioner is hereby authorized to charge any such fees, or to credit overpayment, to deposit account number 50-1901.

Any inquiry regarding this matter should be directed to Craig J. Lervick at (612) 607-7387.

Respectfully submitted,

By 
Craig J. Lervick, Reg. No. 35,244
Attorney for Applicants
Oppenheimer Wolff & Donnelly LLP
45 South Seventh Street, Suite 3300
Minneapolis, MN 55402-1609
Telephone: (612) 607-7387

Appendix A – Version with markings to show changes made
Serial No. 09/698,009

IN THE CLAIMS

Please cancel claims 5 and 6. Please amend claims 1, 7, 8, 10, 11, 12, 18, and 34-37 as follows:

1. (Twice Amended) A laminating device for providing a reinforced region of material supply web, comprising:

- a primary feeding mechanism cooperating with a primary supply web for advancing a predetermined length of the primary supply web;
- a secondary feeding mechanism for advancing a selectable predetermined length of secondary web;
- a cross web shearing apparatus positioned downstream from the secondary feeding mechanism for receiving the predetermined length of the secondary web, the cross web shearing apparatus including a shear blade positioned substantially perpendicular to the secondary material web and movable through a cutting motion to cause a reinforcing strip to be sheared from the secondary web;
- a handling drive positioned adjacent the shearing apparatus for receiving the reinforcing strip from the shearing apparatus and moving the reinforcing strip ~~it~~ to a sealing location adjacent the ~~base~~ primary supply web; and
- a laminating device located proximate to the handling drive manifold ~~drive device~~ for sealing the reinforcing strip to the ~~base material~~ primary supply web.

7. (Twice Amended) The laminating device of claim 1 wherein the handling drive device ~~drive device~~ is a vacuum applicator manifold using a vacuum signal to hold the reinforcing strip.

8. (Twice Amended) The laminating device of claim 1 wherein the handling drive device ~~drive device~~ comprises a plurality of applicator manifolds each using a vacuum signal to hold the reinforcing strip.

10. (Twice Amended) The laminating device of claim 1 further comprising a holding clamp positioned adjacent the cross web shear and the handling drive device, such that the holding clamp will hold the secondary web against the handling drive device prior to shearing the reinforcing strip.

11. (Twice Amended) The laminating device of claim 10 wherein the holding clamp includes a holding tab movable between a feeding position and a holding position, wherein the holding tab allows the secondary web to be fed between the holding clamp and the handling drive device when the holding tab is in the feeding position while the holding tab holds the secondary web against the holding mechanism when the holding tab is in the holding position.

12. (Amended) The laminating device of claim 1 wherein a cutting edge of the shear blade is curved and the cutting motion is a rocking motion.

18. The laminating device of claim 17 wherein a cam framework actuator causes movement of the cam follower framework resulting in the rocking motion of the shear blade ~~rocking motion~~.

34. (Amended) An apparatus for producing a supply of material in a web format having reinforcements in predetermined locations, comprising:

- a primary supply feed roller coupled to a primary web to move the primary web in a predetermined manner;

- a secondary supply feed roller coupled to a secondary web to move the secondary web in a selectable predetermined manner;

- a cross web shear device having a shear blade and a support blade, the cross web shear device positioned to receive the secondary supply web at a cutting position between the shear blade and the support blade, the cross web shear further having a blade actuator for moving the shear blade through a cutting motion after the secondary supply web has been positioned at the cutting position resulting in a reinforcing strip to be sheared from the secondary web;

a movable applicator having an applicator manifold positionable in a cutting position adjacent the cross web shear such that the secondary web extends adjacent a holding surface of the applicator manifold when the secondary web is in the cutting position, the applicator manifold having a plurality of vacuum apertures in the holding surface to create a vacuum seal between the secondary web and the holding surface when the secondary web is in the cutting position, the movable applicator movable between cutting position and a delivery position allowing movement of the reinforcing strip to an attachment location; and
an attachment device positioned adjacent the primary web and adjacent the applicator delivery position, wherein the reinforcing strip can be attached to the primary web at a reinforcing location by the attachment device cooperating with the applicator.

35. (Amended) The apparatus of claim ~~34~~ 33 wherein the attachment device is a laminating device having a heating element to attach the reinforcing strip via a heat seal.

36. (Amended) The apparatus of claim ~~34~~ 33 wherein the cutting motion is a rocking motion.

37. (Twice Amended) The apparatus of claim ~~36~~ 35 wherein the rocking motion is created by a plurality of cam tracks in the ~~cutting-shear~~ blade and a plurality of cam pins coupled to the blade actuator.

Please add claims 38-47 as follows:

38. The laminating device of claim 2 wherein the shear blade extends only a predetermined distance towards the handling drive such that the shear blade does not extend into the path of motion of the handling drive.

39. The laminating device of claim 13 wherein the plurality of cam tracks and the plurality of cam followers control the rocking motion such that the shear blade does not extend into the path of motion of the handling drive.

40. The laminating device of claim 16 wherein the plurality of cam tracks and the plurality of cam followers control the rocking motion such that the shear blade extends only a predetermined distance past the support blade.

41. The laminating device of claim 37 wherein the plurality of cam tracks and the plurality of cam pins control the rocking motion such that the shear blade does not extend into the path of motion of the movable applicator.

42. The laminating device of claim 37 wherein the plurality of cam tracks and the plurality of cam pins control the rocking motion such that the shear blade extends only a predetermined distance past the support blade.

43. A laminating device for providing a reinforced region of material supply web, comprising:

- a primary feeding mechanism cooperating with a primary supply web for advancing a predetermined length of the primary supply web;
- a secondary feeding mechanism for advancing a selectable predetermined length of secondary web;
- a cross web shearing apparatus positioned downstream from the secondary feeding mechanism for receiving the predetermined length of the secondary web, the cross web shearing apparatus including a shear blade positioned substantially perpendicular to the secondary material web and movable through a cutting motion to cause a reinforcing strip to be sheared from the secondary web; and
- a laminating device located downstream from the primary supply web for sealing the reinforcing strip to the primary supply web.

44. The laminating device of claim 43 wherein the cross web shearing apparatus further comprises a support blade positioned substantially perpendicular to the shear blade and in a cutting relationship therewith such that the shear blade and the support blade cause the shearing of the reinforcing strip.

45. The laminating device of claim 43 wherein the shear blade extends only a predetermined distance such that the shear blade does not extend into the path of the primary supply web.

46. The laminating device of claim 43 further comprising a holding clamp positioned adjacent the cross web shear, such that the holding clamp will brace the secondary web prior to shearing the reinforcing strip.

47. The laminating device of claim 46 wherein the holding clamp includes a holding tab movable between a feeding position and a holding position, wherein the holding tab allows the secondary web to be fed between the holding clamp and the shear blade when the holding tab is in the feeding position, and the holding tab holds the secondary web against the holding mechanism when the holding tab is in the holding position.